

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 05-00302-01-CR-W-GAF
)	
JOSHUA E. BOYLES,)	
)	
Defendant.)	

ORDER

Now pending before the Court is defendant's Motion to Suppress Evidence (Doc. #14).

Defendant argues that the gun seized as a result of the search a residence located at 2433 E 70th Street, Kansas City, Missouri April 29, 2005, on the basis that such evidence was obtained in violation of Mr. Boyles' rights under the Fourth Amendment to the U. S. Constitution.

On December 12, 2005, United States Magistrate Judge Sarah W. Hays conducted an evidentiary hearing on defendant's motion. On December 21, 2005, United States Magistrate Judge Sarah W. Hays issued her Report and Recommendation. On January 3, 2006, defendant's Objections to the Magistrate's Report and Recommendation were filed.

Upon careful and independent review of the pending motion defendant's objections to the Magistrate's Report and Recommendation, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge Sarah W. Hays.

Accordingly, it is hereby ORDERED that Defendant's Motion to Suppress Evidence (Doc. #14) is OVERRULED and DENIED.

SO ORDERED.

/s/ Gary A. Fenner
GARY A. FENNER, JUDGE
United States District Court

DATED: January 3, 2006